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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,120	09/12/2003	Rita Terris	1078-5CON	6453

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EXAMINER

WELCH, GARY L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,120

Applicant(s)

TERRIS ET AL.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09122003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 12, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gramza et al. (U.S. 4,843,651).

Gramza et al. discloses a glove portion including finger and thumb portions, a dorsal portion and palm portion. The dorsal and palm portions meet along at least one conjoining lateral edge to define a pocket for receiving the golfer's hand. At least one pad 76 is positioned and dimensioned proximate to the palm portion of the glove and at least one second pad 19 is dimensioned to at least partially encircle a user's wrist.

With regard to claim 12, the first pad 76 is positioned and dimensioned in a manner to closely abut the golf club grip during an entire swing movement.

With regard to claim 18, the invention is disclosed in one or more of the above rejected claims.

With regard to claim 19, the pad 76 is fabricated from foam.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramza et al. (U.S. 4,843,651) in view of Mah (U.S. 5,581,809).

Gramza et al. discloses a glove system comprising a first glove and a second glove. Each glove has a glove portion, which includes a finger, a thumb, dorsal portion and palm portion. The dorsal and palm portions meet along at least one conjoining lateral edge to define a pocket for receiving the golfer's hand. At least one of the gloves includes a first pad 76 selectively positioned and dimensioned adjacent to the palm portion and at least one second pad 19 dimensioned to at least partially encircle a user's wrist. While the glove of Gramza et al. is disclosed as being used by a weightlifter, the glove of Gramza et al. inherently has the capability of being used by a golfer. The term "golf glove" in the preamble does not offer any structure that defines over the glove of Gramza et al. but only defines the environment in which the glove is used. Therefore, the glove of Gramza et al. is a golf glove since it can be used by a golfer.

However, Gramza et al. does not disclose that the first pad is fabricated from an elastomeric, non-flowing gel.

Mah teaches a protective glove 20 having a first pad 34 positioned and dimensioned adjacent to the palm portion and wherein the pad 34 is fabricated from an elastomeric, non-flowing gel that offers shock and impact resistance (Col. 4, lines 32-46). As discussed by Mah, various materials such as foams, rubber and gels are used in padding and are functionally equivalent to each other in providing shock and impact resistance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the foam padding of Gramza et al. with an elastomeric, non-flowing gel as taught by Mah since various materials such as foams, rubber and gels are used in padding and are functionally equivalent to each other in providing shock and impact resistance.

With regard to claim 9, the invention is disclosed above. The claim is purely a method claim and does not offer any structure that further limits claim 1.

With regard to claim 13, the first pad is positioned and dimensioned to substantially cover the palmar portion adjacent to the hypothenar eminence of a golfer's hand (see Figure 3 of Mah).

With regard to claim 14, the first pad 48 is positioned and dimensioned to substantially cover the palmar portion adjacent to the third, fourth and fifth metacarpal bones of a golfer's hand.

With regard to claim 15, a distal end of the first pad 48 is positioned and dimensioned to abut the palmar portion adjacent to the metacarpophalangeal joints of at least one of the third, fourth and fifth metacarpal bones.

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With regard to claim 16, the proximal end of the first pad is positioned and dimensioned to abut the hamulus of the hamate bone.

With regard to claim 17, the first pad is positioned and dimensioned to cover the hamulus of the hamate bone.

Conclusion

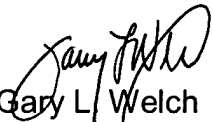
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fabry '799, Brinnand et al. '591, Overton '963, Webster '642, Bolmer '646, Minkow et al. '517 and Vesterinen '877 disclose various hand protective devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw